



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 5, 2007

BY HAND

Honorable Charles L. Brieant
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Application granted. Conference now scheduled for
November 13, 2007 at 9:30 am
Time is excluded under the Speedy Trial Act through
November 13, 2007
SO ORDERED Charles L. Brieant U.S.D.J.
Dated: 10-9-07

Re: United States v. Elia and Elyaho,
07 Cr. 543 (CLB)

Dear Judge Brieant:

This is to request a 30 day adjournment of the pretrial conference which currently is scheduled for October 10, 2007, and an exclusion of time under the Speedy Trial clock, in the interests of justice. Counsel for defendant Elia joins in this request and I have left a message for counsel for defendant Elyaho, however, as of this time we have not spoken.

At the last pretrial conference we anticipated that we would return when we were prepared to set a motion schedule. A thirty day adjournment is requested, however, because the parties would like an opportunity to discuss a potential resolution of this case prior to burdening the court with what might be unnecessary motions.

This case involves the analysis of voluminous financial records records. We cannot have meaningful discussions regarding a disposition of this case until those records are fully analyzed by accountants for defendant Elia. Since the last pretrial conference, a room full of records were inspected, and over 40 boxes were sent out to a commercial photocopy center. On information and belief, in the last week or two most – but not all – documents were produced by the copy center. The documents contain cash register receipts, invoices and other odd documents that are not easily copied.

Accordingly, we respectfully request that the Court adjourn the pretrial conference for thirty days and that time be excluded in the interests of justice, to permit the defendants to evaluate the discovery materials and to permit the parties to explore a possible disposition.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

by:


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Assistant United States Attorney
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cc: Jared Scharf, Esq. (By Fax)
Joseph C. Vita, Esq. (By Fax)